

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: MICHAEL G. HARRIS, II

CASE NO. 19-13639-SDM

OXFORD UNIVERSITY BANK

PLAINTIFF/COUNTER DEFENDANT

VS.

ADVERSARY NO. 19-01069-SDM

MICHAEL G. HARRIS, II

**DEFENDANT/COUNTER PLAINTIFF
THIRD PARTY PLAINTIFF/COUNTER
CROSS CLAIM DEFENDANT**

AND

JIM CASSIDY CONSTRUCTION, LLC

AND

**THIRD PARTY DEFENDANTS/
COUNTER CROSS CLAIM PLAINTIFFS**

JIM CASSIDY, INDIVIDUALLY

**ANSWER TO COUNTER CROSS CLAIM BY THIRD PARTY DEFENDANTS, JIM
CASSIDY CONSTRUCTION, LLC AND JIM CASSIDY, INDIVIDUALLY, AGAINST
MICHAEL G. HARRIS, II**

COMES NOW, Michael G. Harris, II and files this, *Answer to Counter Cross Claim by Third Party Defendants, Jim Cassidy Construction, LLC and Jim Cassidy, Individually, Against Michael G. Harris, II* and would respond as follows:

FIRST AFFIRMATIVE DEFENSE

The Cassidy Defendants have failed to state a claim upon which relief may be granted and the Counter Cross Claim should be dismissed pursuant to F.R.C.P. 12(b)(6).

SECOND AFFIRMATIVE DEFENSE

Michael G. Harris, II would show that the Jim Cassidy claimants failed to mitigate damages and that any recovery by these claimants must be denied and/or reduced as a result thereof.

THIRD AFFIRMATIVE DEFENSE

The Jim Cassidy claimants are guilty of contributory negligence and any recovery of these claimants should be proportionally reduced.

FOURTH AFFIRMATIVE DEFENSE

The Jim Cassidy claimants' claims are barred by the doctrines of laches, waiver, estoppel, and unclean hands.

FIFTH AFFIRMATIVE DEFENSE

Michael G. Harris, II relies upon any defenses available to him pursuant to the Federal Rules of Civil Procedure and reserves the right to amend/supplement his affirmative defenses to the extent indicated as discovery progresses.

AND NOW, having set forth his affirmative defenses, Michael G. Harris, II would respond to the allegations of the Counter Cross Claim, paragraph by paragraph, as follows:

1. Mr. Harris admits the allegations of ¶21 but denies that the Jim Cassidy claimants are entitled to any relief whatsoever.
2. Mr. Harris admits the allegations of ¶22 as Mr. Harris admits that this Court has subject matter jurisdiction over this dispute and personal jurisdiction over the parties and admits that venue is appropriate in this Court. Any allegations not expressly admitted herein are denied.
3. Mr. Harris denies the allegations of ¶23.
4. Mr. Harris denies the allegations of ¶24.
5. Mr. Harris denies the allegations of ¶25.
6. Mr. Harris denies the allegations of ¶26 and denies that the Jim Cassidy claimants are entitled to any relief.

7. Mr. Harris denies the allegations of ¶27.
8. Mr. Harris denies the allegations of ¶28.
9. Mr. Harris denies the allegations of ¶29.
10. Mr. Harris denies the allegations of ¶30.
11. Mr. Harris admits that invoices are attached to the pleading but denies any liability for the relief sought in the first paragraph enumerated as ¶31. Mr. Harris denies any allegations not expressly admitted herein.
12. Mr. Harris incorporates his prior responses to the unnumbered paragraph between the two paragraphs enumerated as ¶31.
13. Mr. Harris denies the allegations of the second paragraph enumerated as ¶31.
14. Mr. Harris denies the allegations of the first ad damnum paragraph beginning “WHEREFORE, PREMISES CONSIDERED” contained on Page 14.
15. Mr. Harris denies the allegations of the paragraph contained on Pages 14-15 beginning “Further, the Counter Cross Claim...”
16. Mr. Harris denies the allegations of the paragraph contained on Page 15 beginning “That this Honorable Court...”
17. Mr. Harris denies the allegations of the paragraph contained on Page 15 beginning “Jim Cassidy, individually...”

NOW, HAVING ANSWERED the Plaintiffs’, paragraph by paragraph, and having denied each and every allegation that might impute liability unto him, and having asserted certain defenses, and reserving the right to amend his answer or assert additional defenses as warranted, Michael G. Harris, II respectfully requests that the Court dismiss the allegations filed against him by the Jim Cassidy claimants, with all costs assessed against them.

Respectfully submitted, this the 23rd day of March, 2020.

MIKE HARRIS, II, DEFENDANT

By: /s/ David E. Rozier, Jr
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CERTIFICATE OF SERVICE

I, the undersigned, one of the attorneys for Michael G. Harris II, do hereby certify that I have this day filed the foregoing pleading via ECF, which sent notice of such filing to the following:

Jeffrey A. Levingston
Trustee

William F. Schneller
Counsel for OUB

Larry O. Lewis
Counsel for the Jim Cassidy Defendants

United States Trustee

This the 23rd day of March, 2020.

/s/ David E. Rozier, Jr.